

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

GABRIEL U. OGBONNAYA, M.D.
Holder of License No. 32142
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-10-0805A

INTERIM CONSENT AGREEMENT FOR
PRACTICE RESTRICTION AND
PSYCHOSEXUAL EVALUATION

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Gabriel U. Ogbonnaya, M.D. ("Respondent"), the parties agree to the following interim disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement.") Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter.

2. By entering into this Interim Consent Agreement Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. That this Interim Consent Agreement will not become effective until signed by the Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Respondent may not make any modifications to the document. Upon signing
4 this agreement, and returning this document (or a copy thereof) to the Executive Director,
5 Respondent may not revoke acceptance of the Interim Consent Agreement. Any
6 modifications to this Interim Consent Agreement are ineffective and void unless mutually
7 approved by the parties.

8 6. This Interim Consent Agreement, once approved and signed, is a public
9 record that will be publicly disseminated as a formal action of the Board and will be
10 reported to the National Practitioner Databank and on the Board's website.

11 7. If any part of the Interim Consent Agreement is later declared void or
12 otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety
13 shall remain in force and effect.

14 
15 _____
16 GABRIEL U. OGBONNAYA, M.D.

17 06/16/2010
18 _____
19 Date
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FINDINGS OF FACT

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2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 32142 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board received information that Respondent was arrested by the Mesa
7 Police Department on June 9, 2010, for sexual abuse after two patients alleged that he
8 had touched them inappropriately.

9 4. Based on the information in the Board's possession there is evidence that
10 the public health and safety requires that Respondent's practice of allopathic medicine be
11 restricted while the investigation of this case continues.

CONCLUSIONS OF LAW

12
13 1. The Arizona Medical Board possesses jurisdiction over the subject matter
14 hereof and over Respondent.

15 2. The Executive Director may enter into a consent agreement with a physician
16 if there is evidence of danger to the public health and safety. A.R.S. §32-1405(C)(25);
17 A.A.C. R4-16-504.

ORDER

18
19 IT IS HEREBY ORDERED that:

20 1. Respondent's license to practice allopathic medicine in the State of Arizona
21 is restricted in that he must have a female chaperone present at any time he treats or
22 examines a female patient. The chaperone must be a licensed healthcare professional
23 and Respondent shall have her submit a chaperone authorization form to Board staff for
24 approval prior to the chaperone serving in that capacity. The medical records must
25 contain a statement that the chaperone was present in the room during the entire office

1 visit and had an unencumbered view of the patient. Respondent shall instruct the
2 chaperone to document her presence by signing, dating and legibly printing her name on
3 each patient's chart at the time of the office visit. Respondent must notify any facility
4 where he practices of the consent agreement and its requirements.

5 2. Board staff shall conduct random chart reviews to assure compliance with
6 this Order.

7 3. Respondent agrees to successfully complete a residential psychosexual
8 evaluation at a Board-approved facility, at his own expense, within the next 30 days and
9 follow all recommendations. The facility or evaluator shall provide a written confidential
10 evaluation report to the Board or authorized Board staff. The facility or evaluator is
11 conducting the evaluation and report solely for the benefit of the Board, thus the facility or
12 evaluator is not treating Respondent as a patient. Respondent shall authorize a release of
13 information between Board staff and the facility or evaluator to include all records relating
14 to Respondent's current or previous medical or psychological/psychiatric history and
15 diagnoses. Failure to complete any portion of the evaluation is a violation of this Interim
16 Order. Based upon the result of the evaluation, Board staff may modify the practice
17 restriction.

18 4. Respondent shall provide a copy of this Order to the facility or evaluator
19 conducting his evaluation.

20 5. As Respondent is undergoing the psychosexual evaluation pursuant to a
21 Board Order, he shall instruct any attorney retained on his behalf not to contact the facility
22 or evaluator. Any questions or concerns about the evaluation must be addressed directly
23 to Board staff.

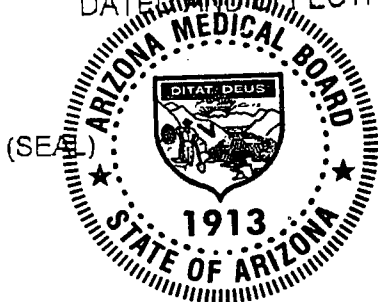
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6. This is an Interim Agreement and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board. The Board reserves the right to take additional action if new information is presented.

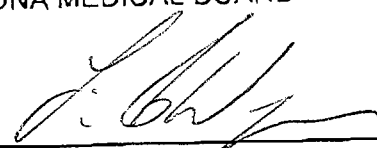
7. This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent.

DATED AND EFFECTIVE this 16th day of JUNE, 2010.



ARIZONA MEDICAL BOARD

By


LISA S. WYNN
Executive Director

ORIGINAL of the foregoing filed this 16th day of JUNE, 2010, with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed/faxed this 16th day of JUNE, 2010, to:

Jan Buescher, Esq.
Buescher Law Offices, P.C.
3514 N. Power Road, Suite 126
Mesa, Arizona 85215

Gabriel U. Ogbonnaya, M.D.
Address of Record


Arizona Medical Board Staff

#856589